

## **REMARKS**

Claim 1 is pending in the application, and stands rejected in paper 7, the Office Action under reply. Claim 1 has been amended to recite a process to isolate a neurotrophin including purifying a neurotrophin mixture. Support for this amendment may be found, for example, at page 21, paragraph 77. New claims 2-7 further define purifying in the method of claim 1, and find support in the specification, for example, at page 21, paragraph 77. New claims 8-13 further define the hydrophobic interaction chromatography resin of the method of claim 1, and find support in the specification, for example, at page 4, paragraph 12; page 6, paragraphs 26-28; and page 23, paragraph 86. New claims 14-17 directed to compositions containing neurotrophins prepared by the claimed method find support in the specification, for example, at page 34, paragraph 119. New claims 18 and 19 find support in the specification, for example, at page 9, paragraph 40 and page 46, paragraph 154. Claim 20 finds support from original claim 1 and in the specification, for example at page 21, paragraph 77. No new matter is added by way of the amendments and new claims.

### **The Rejection of Claim 1 under 35 U.S.C. § 101**

Claim 1 stands rejected under 35 U.S.C. § 101 as claiming the same invention as U.S. Patent 6,423,831. Claim 1 has been amended to include purifying a neurotrophin mixture, and differs from claim 1 of U.S. Patent 6,423,831 in at least that regard. Accordingly, the present claim 1 differing from that of U.S. Patent 6,423,831, Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. § 101 is overcome.

### **The Rejection of Claim 1 under the Judicially-Created Doctrine of Double Patenting**

Claim 1 stands rejected under the judicially-created doctrine of double patenting as claiming the same subject matter as claims 2-22 of U.S. Patent 6,423,831. As discussed above, claim 1 includes purifying a neurotrophin mixture, and so for at least this reason does not recite the same subject matter as claims 2-22 of U.S. Patent 6,423,831.

Claim 1 stands rejected under the judicially-created doctrine of double patenting as claiming the same subject matter as claims 1-23 of U.S. Patent 6,184,360. As discussed above, claim 1 includes purifying a neurotrophin mixture, and so for at least this reason amended claim 1 differs from the subject matter of claims 1-23 of U.S. Patent 6,184,360.

Applicants respectfully submit that the rejection of claim 1 under the judicially-created doctrine of double patenting is overcome.

### **CONCLUSION**

For the reasons set forth above, Applicants believe that all claims are in condition for allowance. The Examiner is respectfully requested to reconsider the rejection of claim 1. Should the Examiner believe that a telephone interview would expedite the prosecution of this application, Applicants invite the Examiner to call the undersigned attorney at the telephone number indicated below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641.

Respectfully submitted,

Dated: May 27, 2003

By:



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